

Congress of the United States **RECEIVED**
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December 1, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARYVia Facsimile and First Class Mail

William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: MM Docket 97-182, In the Matter of Preemption of State and Local Zoning and Land Use Restrictions on the Siting, Placement and Construction of Broadcast Station Transmission Facilities

Dear Secretary Caton:

After researching comments filed with the FCC on the above referenced docket, it has come to our attention that hundreds of local governments and state officials from across the country are strongly opposed to the proposed rule to preempt local and state laws with regard to the siting of broadcast towers for digital television. We have attached for your review a partial list of those who are on record in opposition to the proposal.

Given the enormous level of concern that has been expressed thus far, we strongly urge that the FCC not adopt the rule as proposed. The principal objections to the proposal voiced in the hundreds of comments are as follows:


1. Federal preemption is not necessary to achieve the implementation of DTV service and spectrum recovery as mandated under the Telecommunications Act of 1996.
2. The proposed rule provides for unrealistic time frames in which land use authorities must act.
3. The proposed rule creates a broadcaster self-certification process with respect to radiofrequency radiation.
4. The proposal unnecessarily applies to all television and radio broadcast facilities, not just new DTV facilities.
5. The proposed rule unreasonably requires the balancing of state law with regard to all other matters not expressly subject to the rule against the federal interest in broadcasting.

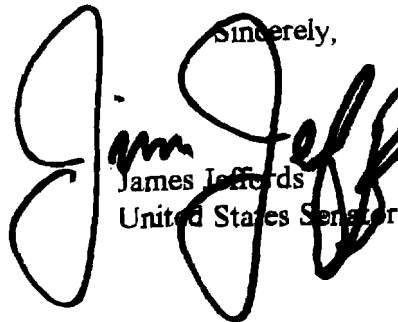
The FCC should reject the proposed rule and require broadcasters to continue to comply with all

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List A B C D E

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applicable state and local laws.


Bernard Sanders
Member of Congress

Sincerely,

James Jeffords
United States Senator


Patrick Leahy
United States Senator

Enclosure (9 pages)

Opponents to FCC NPRM 97-182, Preemption of local and state laws for DTV facilities

Vermont Attorney General
Vermont Environmental Board
Vermont Governor Howard Dean
Vermont Senators Leahy and Jeffords
Vermont Congressman Sanders
Congressman Shays (CT)
Congressman DeFazio (CT)
Senator Murray (WA)
Senator Feingold (WI)
State of Connecticut, Attorney General
State of New Jersey, The Pinelands Commission
Commonwealth of Massachusetts, Attorney General and Aeronautics Commission
City of New York, Department of City Planning
City of Milwaukee, Office of Cable Regulation
City of Columbus, OH, Mayor
City of Boston, Office of Corporation Counsel
City of Philadelphia, Office of Corporation Counsel
Oregon League of Cities
Virginia Association of Counties (25 counties)
City of Phoenix, Parks and Recreation Dept.
State of Wyoming, DOT
State of Florida, DOT
State of Ohio, DOT
City of Portland, OR, Bureau of Planning
State of Mississippi, DOT
State of Indiana, DOT
Tennessee Association of Counties
City and County of Honolulu, HI
City of Chicago, Office of Corporation Counsel
National League of Cities
State of NH, DOT
City and County of San Francisco
City and County of Denver
City of Detroit
City of Las Vegas
City of Dallas
City of Seattle
State of Maine DOT
Minnesota DOT
California DOT
Wisconsin DOT
State of Alaska
Wisconsin Counties Association

Opponents to FCC NPRM 97-182, Preemption of local and state laws for DTV facilities

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City of Pheonix
Association of Towns, New York
County of York, VA.
National Business Aviation Association
Tahoe Regional Planning Agency
City of San Luis Obispo
Pinellas County, FL.
Tennessee County Services Association
Clark County Department of Aviation (Las Vegas, NV.)
Montgomery County, MD.
City and County of Honolulu
DeKalb County, GA.
Town of Hultett, WY.
Orange County, FL.
National Association of Telecommunications Officers and Advisors
Elliott Aviation (Moline, IL)
Raintree Corporation (Elkton, MD.)
National Chesapeake Aviation Association (Elkton, MD.)
Northampton County (VA.)
Aviation Advisory Committee-Missouri Highway and Transportation Commission
Missouri Department of Transportation
Albemarle County, VA.
King County Department of Development and Environmental Services
Board of Aviation Commissioners (Michigan City, IL.)
Mishian Regional Transportation Center (South Bend, IN.)
Columbus Municipal Airport
FCC Local and State Government Advisory Committee
Clackamas County, OR
Virginia Municipal League
Transylvania County, NC
Will County Board, IL
Arlington County, VA
City of Winston-Salem, SC
Cape Cod Commission, MA
Fairfax County, VA
County of York, VA
City and Mountain Views, CO
Aircraft Owners and Pilots Assoc.
Asheboro Airport Authority, NC
Allen County Dept.
Brazil-Clay County Airport, IN
La Porte Muncpl. Airport Author, IN

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Freemont County Planning, WY
Robert Spiegel, P.E. (TX)
Warren S. Williams (MI)
Paintsville-Prestonsburg Airport, KY
Township of Ferguson, PA
Strake County Airport Authority, IN
City of Indianapolis, IN
Washington County, ID
City of Ormond Beach, FL
Reabe Spraying Service, Inc. (WI)
Sanford-Lee County Airport, NC
Institute of Natural Therapies, MI
Surry County, NC
Frederick County, VA
Gulfport-Biloxi Airport, MS
Hamilton County, OH
Paducah Airport Corporation, KY
David L. Swindler (TN)
Payette County, ID
County of Lancaster,
Washington Pilot's Assoc.
Derek Bishop (HI)
City of Hazard, KY
City of Culperer, VA
Flight Freedom Foundation, MI
David Mandot (TX)
Becky Howell (TX)
Northern VA Planning Commission
City of Dallas, GA
City of Goshen, IN
Perry County Airport, IN
Evansville-Vanderburgh Airport, IN
San Juan County, WA
South Carolina Assoc. Of Counties
Oregon Aviation Alliance
Montrose County, CO
Bill and Shelley McManus (FL)
Wyoming Airport Operators Assoc.
North Carolina Airports Assoc.
Somerset-Pulaski Airport (KY)
Robinson Community Airport (IL)
Tulip City Air Service (MI)
Pennington County, SD

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Rapid City, SD
Saint Clair County, IL
Wisconsin Aviation, Inc.
Mark C Ramey (WY)
Air Exec, Inc. (IA)
Marc Fruchter Aviation (PA)
City of Ottumwa, IA
Richard D. Greenwood, Esq.. (ID)
County of Cassia, ID
Village of Chelsea, MI
Dodge County, WI
Rhode Island Pilots Assoc.
Jefferson County, CO
City of Weslaco, TX
Gilford County, SC
City of Mayfield, KY
Groveland Township, MI
City of Springfield, MO
Charter Township of Vienna, MI
Charter Township of Harrison, MI
City of Duncanville, TX
Warren County, VA
Airports Council International-NA
Halifax County, VA
Residents' Committee to Protect the Adirondacks
Richland County Council
Cellular Phone Task Force
Kern County, CA
City of College Park, GA
Palm Beach County, FL
City of Suffolk, VA
American Tower Systems, Inc.
American Planning Assn.
Town of Paradise Valley, AZ
Phoenix Mountains Preservation Council, AZ
Northern California Airspace Users Working Group
Riverside County, CA
City of Lakewood, CO
Adams County, CO
City of Arvada, CO
City of Aurora, CO
City of Brighton, CO

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City of Castle Rock, CO
City of Cherry Hills Village, CO
City of Commerce City, CO
Douglas County, CO
City of Englewood, CO
City of Edgewater, CO
City of Glendale, CO
City of Golden, CO
City of Greenwood Village, CO
City of Lafayette, CO
City of Lakewood, CO
City of Littleton, CO
City of Northglenn, CO
City of Parker, CO
City of Sheridan, CO
Town of Superior, CO
City of Thornton, CO
City of Westminster, CO
City of Wheat Ridge, CO
City of Coconut Creek, FL
City of Deerfield Beach, FL
City of Fort Lauderdale, FL
City of Breese, IL
City of Naperville, IL
City of Rockford, IL
City of St. Charles, IL
Village of Lisle, IL
Village of Western Springs
Cook County, IL
City of Grand Rapids, MI
Ada Township, MI
Bloomfield Township, MI
Byron Township, MI
Canton Charter Township, MI
City of Birmingham, MI
City of Cadillac, MI
City of Eaton Rapids, MI
City of Huntington, MI
City of Kentwood, MI
City of Livonia, MI
City of Marquette, MI
City of Rockford, MI
City of St. Clair Shores, MI

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City of Walker, MI
City of Wyoming, MI
Elk Rapids Township, MI
Frenchtown Charter Township, MI
Gaines Charter Township, MI
Grand Haven Charter Township, MI
Grand Rapids Charter Township, MI
Groveland Township, MI
Handy Township, MI
Harrison Charter Township, MI
Robinson Township, MI
Scio Township, MI
City of Westland, MI
Yankee Springs Township, MI
Zeeland Charter Township, MI
City of Gladstone, MO
City of Springfield, MO
Bridgewater Township, NJ
City of Las Vegas, NV
City of Sparks, NV
Alamance County, NC
City of Archdale, NC
City of Asheboro, NC
City of Burlington, NC
Caswell County, NC
Town of Chapel Hill, NC
Davidson County, NC
City of Eden, NC
Town of Elon College, NC
Town of Gibsonville, NC
City of Graham, NC
Guilford County, NC
Town of Haw River, NC
City of High Point, NC
Town of Jamestown, NC
City of Lexington, NC
Town of Liberty, NC
Town of Madison, NC
Town of Mayodan, NC
City of Mebane, NC
City of Randleman, NC
Randolph County, NC
Town of Ramseur, NC

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City of Reidsville, NC
Rockingham County, NC
Town of Yanceyville, NC
City of Canton, OH
City of Eastlake, OH
City of Lorain, OH
City of Grand Prairie, TX
City of Amarillo, TX
City of Arlington, TX
City of Cedar Hill, TX
City of Coppell, TX
City of Crowley, TX
City of DeSoto, TX
City of Fort Worth, TX
City of Haltom City, TX
City of Hurst, TX
City of Irving, TX
City of Kaufman, TX
City of Keller, TX
City of Kennedale, TX
City of Lancaster, TX
City of Laredo, TX
City of Longview, TX
City of Plano, TX
City of University Park, TX
City of Waxachie, TX
Town of Addison, TX
City of Abernathy, TX
City of Alamo, TX
City of Andrews, TX
City of Balcones Heights, TX
City of Belton, TX
City of Big Springs, TX
City of Bowie, TX
City of Breckenridge, TX
City of Brenham, TX
City of Brookside Village, TX
City of Brownfield, TX
City of Brownwood, TX
City of Buffalo, TX
City of Bunker Hill Village, TX
City of Burkburnett, TX
City of Canyon, TX

Opponents to FCC NPRM 97-182, Preemption of local and state laws for DTV facilities
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City of Carrollton, TX
City of Center, TX
City of Cisco, TX
City of Clear Lake Shores, TX
City of Cleburne, TX
City of College Station, TX
City of Conroe, TX
City of Corpus Christi, TX
City of Cottonwood Shores, TX
City of Crockett, TX
City of Denison, TX
City of Dickenson, TX
City of El Lago, TX
City of Electra, TX
City of Fredricksburg, TX
City of Friendswood, TX
City of Georgetown, TX
City of Grapevine, TX
City of Greenville, TX
City of Gregory, TX
City of Groves, TX
City of Harlingen, TX
City of Henrietta, TX
City of Hewitt, TX
City of Jamaica Beach, TX
City of Jacinta City, TX
City of Kilgore, TX
City of La Grange, TX
City of Lampasas, TX
City of League City, TX
City of Leon Valley, TX
City of Levelland, TX
City of Lewisville, TX
City of Los Fresnos, TX
City of McAllen, TX
City of Mexia, TX
City of Missouri City, TX
City of Navasota, TX
City of Nolanville, TX
City of Paris, TX
City of Pearsall, TX
City of Plainview, TX
City of Ralls, TX

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City of Refugio, TX
City of Reno, TX
City of Richardson, TX
City of River Oaks, TX
City of Rosenberg, TX
City of San Marcos, TX
City of San Saba, TX
City of Seminole, TX
City of Seymour, TX
City of Smithville, TX
City of Snyder, TX
City of South Padre Isle, TX
City of Spearman, TX
City of Stephenville, TX
City of Sugar Land, TX
City of Taylor Lake Village, TX
City of Terrell, TX
City of The Colony, TX
City of Thompsons, TX
City of Timpson, TX
City of Tyler, TX
City of Vernon, TX
City of Victoria, TX
City of Provo, UT
Chesterfield County, VA
Essex County, VA
Botetourt County, VA
Shenandoah County, Va
Roanoke County, VA
Prince William County, VA
City of Falls Church, VA
City of Mayfield, KY
Bonner County, ID
Aiken County, S.C.
National Association of State Aviation Officials
Kenton County Airport Board (operator of the Cincinnati/Northern Kentucky International Airport)